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FROM: Janice Messer

TELEPHONE: 303/607-3603

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DATE: June 17, 2005

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NUMBER OF PAGES (Including This Page): 2

F&B FILE: 74120-297819

REC: 2853

TO: Commissioner for Patents

TELEPHONE: 703-308-1202

Office of Initial Patent Examination (OIPE)

FAX: 571-273-8300

MESSAGE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No.: 74120-297819

Group Art Unit: 2121

Applicant(s): SULLIVAN et al.

Title: "SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR
RATING ENTERPRISE METRICS"

Application No.: 09/904,501

Filed: July 16, 2001

Attached: Transmittal Letter for Re-Submission, Copies of Transmittal Letter for
Combined Power of Attorney and Revocation of Prior Power by AssigneePlease call our office if you have any questions. Our main number is 303-607-3500. Thank you
very much.

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

I hereby certify that this Transmittal Letter for Re-Submission, Copies of Transmittal Letter for Combined Power of
Attorney and Revocation of Prior Power by Assignee, is being facsimile transmitted to the United States Patent and Trademark
Office Fax No 571-273-8300 on 10-24-05
Janice MesserIF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL OFFICE SERVICES AT 303-607-3500 OR
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OCT 24 2005

In Re the Application of:

SULLIVAN et al.

Serial No.: 09/904,501

Filed: July 16, 2001

Atty. File No.: 74120-297819

For: "SYSTEM, METHOD AND
COMPUTER PROGRAM
PRODUCT FOR RATING
ENTERPRISE METRICS"Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

) Group Art Unit: 2121

)

) Examiner:

)

) RE-SUBMISSION OF COMBINED POWER
) OF ATTORNEY AND REVOCATION OF
) PRIOR POWER BY ASSIGNEE

)

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<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE USPTO OR DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON <u>10-24-05</u></p> <p style="text-align: center;">FAEGRE & BENSON LLP</p> <p>BY: <u>Janice Messer</u></p>

Dear Sir:

Contrary to the Power of Attorney filed on November 24, 2003, an Office Action was recently sent to prior counsel for the above-referenced application. To avoid this happening in the future, please find enclosed, a copy of a transmittal form and Combined Power of Attorney and Revocation of Prior Power by Assignee submitted by facsimile on November 24, 2003. Please update the U.S. Patent Office records to show Faegre & Benson, Customer No. 25764, as representatives for this application to avoid any further delays in receipt of correspondence. Please address all future correspondence to the below-named attorney.

Respectfully submitted,

FAEGRE & BENSON LLP
Customer Number: 25764Date: 10/24/05By: Douglas M. HamiltonDouglas M. Hamilton
Atty. Reg. No. 47,629
Telephone: 303-607-3500

FAEGRE & BENSON LLP3200 WELLS FARGO CENTER, 1700 LINCOLN STREET
DENVER, COLORADO 80203-4532

TELEPHONE 303-607-3500

FACSIMILE 303-607-3600

www.faegre.com

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FROM: Denise E. Voris for Michael A. DeSanctis

TELEPHONE: 303/607-3500

DATE: November 24, 2003

TIME: _____ .m. (Denver)

NUMBER OF PAGES (including this page): 8

F&B FILE: 297788

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TO: Commissioner for Patents
Customer Service for Group Art Unit: 2121TELEPHONE: 703-306-5631
FAX: 703-746-7240**MESSAGE****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group Art Unit: 2121
Atty. Docket No.: 297819-11US
Applicant(s): Sullivan, James A. et al.
Title: SYSTEM, METHOD, AND COMPUTER PROGRAM PRODUCT FOR RATING
ENTERPRISE METRICS
Application No.: 09/904,501
Filed: July 16, 2001

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

I hereby certify that this (1) Transmittal Form (1 page); and (2) Combined Power of Attorney and Revocation of Prior Power by Assignee of Entire Interest and Submission, including a Change of Correspondence Address for a Patent and attached recorded assignment (7 pages), is being facsimile transmitted to the United States Patent and Trademark Office Fax. No. (703) 872-9306 on November 24, 2003.

Denise E. Voris

(Typed or Printed Name of Person Signing Certificate)



(Signature)

DNVR1.60249322.01

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PATENT
Attorney Docket No. 297819-11US
(Formerly 40256.0011US01 and 1757.0360000)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James A. SULLIVAN et al.

Application No.: 09/904,501

Filed: July 16, 2001

For: SYSTEM, METHOD, AND
COMPUTER PROGRAM PRODUCT
FOR RATING ENTERPRISE
METRICS

Examiner: Not yet known

Art Unit: 2121

Confirmation No.: 2258

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

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Denise E. Vouis 11/24/03

COMBINED SUBMISSION UNDER 37 C.F.R. §§ 3.71 AND 3.73(b) AND POWER OF ATTORNEY AND REVOCATION OF PRIOR POWER BY ASSIGNEE OF ENTIRE INTEREST

Sir:

As an officer of Level 3 Communications, Inc. ("assignee"), I hereby certify that the assignee is the owner by assignments of the entire right, title, and interest in and to the patent application identified above by virtue of either:

- A. ☒ The assignment(s) from the inventor(s) of the patent application identified above,
- ☐ 1. a copy of which is attached; or
 - ☒ 2. which is recorded in the U.S. Patent and Trademark Office at Reel 011985, Frame 0729, a copy of which is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____

Application No. 09/904,501
Page 2

The document was recorded in the U.S. Patent and Trademark Office at Reel _____, Frame _____, a copy of which is attached.

2. From: _____ To: _____

The document was recorded in the U.S. Patent and Trademark Office at Reel _____, Frame _____, a copy of which is attached.

Pursuant to 37 C.F.R. § 3.71, the assignee hereby states that prosecution of the captioned application is to be conducted to the exclusion of the inventors.

The undersigned (whose title is supplied below) is authorized and empowered to sign this statement on behalf of the assignee.

REVOCATION OF PRIOR POWERS OF ATTORNEY AND NEW POWER OF ATTORNEY

As assignee of record of the entire right, title, and interest in the above-identified patent application per the Statement under 37 C.F.R. §§ 3.71 and 3.73(b), all powers of attorney previously given are hereby revoked, and I hereby appoint the registered patent attorney(s) and/or agent(s) of **FAEGRE & BENSON LLP**, associated with **Customer No. 35657**, to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected herewith. Please note the new **Attorney Docket No. is 297819-11US**.

Send all correspondence relating to this matter to:

Michael A. DeSanctis
FAEGRE & BENSON LLP
3200 Wells Fargo Center
1700 Lincoln Street
Denver, CO 80203-4532


Direct all telephone calls to **Michael A. DeSanctis** at (303) 607-3400.

Application No. 09/904,501
Page 3

The undersigned hereby declares that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,

LEVEL 3 COMMUNICATIONS, INC.

By: 
Name: Dallas R. Martin
Title: Vice President and Intellectual Property Counsel
Date: Nov. 8, 2005

DMH/cms
Enclosures
DNVR1:60248054 01



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
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Washington, D.C. 20231

SEPTEMBER 24, 2001

PTAS

STERNE, KESSLER, GOLDSTEIN ET AL
EDWARD W. YEE
1100 NEW YORK AVE., N.W.
SUITE 600
WASHINGTON, D.C. 20005-3934



101785769A

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 07/16/2001

REEL/FRAME: 011985/0729
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
SULLIVAN, JAMES A.

DOC DATE: 06/04/2001

ASSIGNOR:
ROSSI, ADAM S.

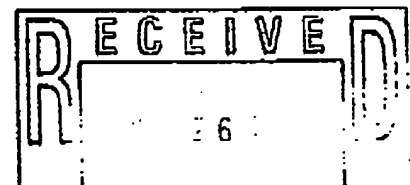
DOC DATE: 06/04/2001

ASSIGNEE:
LEVEL 3 COMMUNICATIONS
1025 ELDORADO BLVD.
BROOMFIELD, COLORADO 80021

SERIAL NUMBER: 09904501
PATENT NUMBER:

FILING DATE: 07/16/2001
ISSUE DATE:

MARY BENTON, EXAMINER
ASSIGNMENT DIVISION
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STERNE, KESSLER
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07-23-2001

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3. Nature of Conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: June 4, 2001						
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is June 4, 2001 A. Patent Application No(s): <u>09/904501</u> B. Patent No(s):						
Additional numbers attached? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no						
5. Name and address of party to whom correspondence concerning document should be mailed: Name: Sterne, Kessler, Goldstein & Fox P.L.L.C. Internal Address: c/o Edward W. Yee Street Address: 1100 New York Ave., N.W. Suite 600 City: Washington State: D.C. Zip Code: 20005-3934		6. Total number of applications and patents involved: 1 7. Total fee (37 C.F.R. § 3.41): <u>\$ 40.00</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to Deposit Account 8. Deposit Account Number: 19-0036 (Attach duplicate copy of this page if paying by deposit account)				
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9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. <table border="0" style="width: 100%;"> <tr> <td style="text-align: center;"> <u>Edward W. Yee</u> Name of Person Signing Registration No. 47,294 </td> <td style="text-align: center;"> <u>Edward W. Yee</u> Signature </td> <td style="text-align: center;"> <u>7/16/01</u> Date </td> </tr> </table>				<u>Edward W. Yee</u> Name of Person Signing Registration No. 47,294	<u>Edward W. Yee</u> Signature	<u>7/16/01</u> Date
<u>Edward W. Yee</u> Name of Person Signing Registration No. 47,294	<u>Edward W. Yee</u> Signature	<u>7/16/01</u> Date				
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ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventor(s): James A. Sullivan and Adam S. Rossi, the undersigned inventor(s) hereby sell(s) and assign(s) to Level 3 Communications, Inc. (the Assignee) his/her entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages:

check applicable box(es) ☒ for the United States of America (as defined in 35 U.S.C. § 100),
☒ and throughout the world,

(a) in the invention(s) known as System, Method and Computer Program Product for Rating Enterprise Metrics for which application(s) for patent in the United States of America has (have) been executed by the undersigned on (1) 6/4/2001; and (2) 6/4/01 (also known as United States Application No. To Be Assigned, filed To Be Filed), in any and all applications thereon, in any and all Letters Patent(s) therefor, and

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including continuing applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

The undersigned inventor(s) hereby represent(s) that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

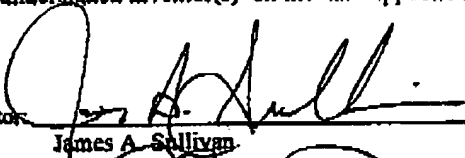
The undersigned inventor(s) hereby grant(s) Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021; David K.S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Esquire, Registration No. 32,893; Tracy-Gene G. Durkin, Esquire, Registration No. 32,831; Michele A. Cimbala, Esquire, Registration No. 33,851; Michael B. Ray, Esquire, Registration No. 33,997; Robert E. Sokohl, Esquire, Registration No. 36,013; Eric K. Steffe, Esquire,

Registration No. 36,688; Michael Q. Lee, Esquire, Registration No. 35,239; Steven R. Ludwig, Esquire, Registration No. 36,203; John M. Covert, Esquire, Registration No. 38,759; and Linda E. Alcorn, Esquire, Registration No. 39,588; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.C., 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned inventor(s) on the date opposite his/her name.

(1) Date: 6/4/2001

Signature of Inventor: _____


James A. Sullivan

(2) Date: 6/4/01

Signature of Inventor: _____


Adam S. Rossi

Confirmation Report-Memory Send

Time : Nov-24-03 02:30pm
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FROM: Denise E. Vora for Michael A. DeSanctis

TELEPHONE 303/607-3500

DATE: November 24, 2003

TIME: m. (Denver)

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TO: Commissioner for Patents
Customer Service for Group Art Unit: 2121TELEPHONE: 703-806-5631
FAX: 703-746-7340

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 2121
App. Docket No.: 237819-11US
Applicant(s): Sullivan, James A. et al.
Title: SYSTEM, METHOD, AND COMPUTER PROGRAM PRODUCT FOR RATING
ENTERPRISE METRICS
Application No.: 09/904,501
Filed: July 16, 2001

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

I hereby certify that this (1) Transmittal Form (1 page); and (2) Combined Power of Attorney and Revocation of Prior Power by Assignment of Entire Interest and Submission, including a Change of Correspondence Address for a Patent and attached recorded assignment (7 pages), is being facsimile transmitted to the United States Patent and Trademark Office Fax, No. (703) 872-9306 on November 24, 2003.

Denise E. Vora
(Typed or Printed Name of Person Signing Certificate)

Denise E. Vora
(Signature)

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